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Human resources management

Provisional Staff Rules

Report of the Secretary-General

Summary

In order to implement the new contractual arrangements approved by the General Assembly in its resolution 63/250 and pursuant to staff regulation 12.3, the present report provides information concerning the new Staff Rules that the Secretary-General is provisionally promulgating in ST/SGB/2010/6.

Consistent with staff regulation 12.4, the Staff Rules will enter into full force and effect on 1 January 2011, taking into account any modifications of the provisional staff rules as may be directed by the General Assembly at its sixty-fifth session.

The present report shall be read in conjunction with the report of the Secretary-General submitted to the General Assembly at its sixty-fourth session (A/64/230), which provides information relative to the legal framework and legislative basis for the Staff Rules and the process of drafting and approving the new provisional rules, including staff-management consultations.

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I. Introduction

1. Staff regulation 12.2 provides that the Secretary-General may prepare provisional staff rules in order to implement the Staff Regulations. Staff regulation 12.3 further provides that the full text of provisional Staff Rules and amendments should be reported annually to the General Assembly.

2. Consistent with staff regulation 12.4, unless otherwise indicated by the General Assembly during the main part of its sixty-fifth session, the provisional Staff Rules contained in document ST/SGB/2010/6 will enter into full force from 1 January 2011.

II. Background

3. Pursuant to section II, paragraph 12, of General Assembly resolution 63/250, the Secretary-General prepared amendments to the Staff Regulations (A/63/694) that would allow implementation of a new contractual framework and a new system for the administration of justice. In its resolution 63/271, the Assembly approved the proposed amendments, and the Secretary-General promulgated the amended Staff Regulations (ST/SGB/2009/6) on 1 July 2009.

4. Furthermore, the Secretary-General provisionally promulgated the new Staff Rules on 1 July 2009. At its sixty-fourth session, the General Assembly, having considered the report of the Secretary-General on the provisional Staff Rules (A/64/230), decided that the Staff Rules should remain provisional pending their further consideration at its sixty-fifth session (decision 64/546).

5. Accordingly, the Secretary-General has submitted an amended version of the provisional Staff Rules (ST/SGB/2010/6) to the Assembly for its consideration during the main part of its sixty-fifth session.

III. Structure and content of the provisional Staff Rules

6. In accordance with staff regulation 12.2 and as further requested by the General Assembly in paragraph 14 of its resolution 63/271, the Secretary-General has ensured that the provisional Staff Rules comply with the provisions of relevant Assembly resolutions and with the Staff Regulations.

7. The provisional Staff Rules were prepared using the existing 100 series of the Staff Rules as a baseline and ensuring that the operational requirements of the 200 and 300 series of the Staff Rules were incorporated. Amendments to the 100, 200 and 300 series of the Staff Rules, which had been submitted to the General Assembly for consideration during the main part of its sixty-second session, were also taken into account (A/62/185). The text of the provisional Staff Rules submitted to the Assembly at its sixty-fourth session (A/64/230) was further amended, taking into account both the recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/64/518, para. 39) and clarifications sought during the one-year initial implementation of the provisional Staff Rules.

8. The provisional Staff Rules consist of 13 chapters, which follow the same order and structure of the previous 100 series of the Staff Rules from chapter I to XII.

9. Chapter I, on duties, obligations and privileges, has been reorganized for clarity; some rules were moved to other chapters and rules from other chapters were moved to chapter I in order to ensure that all rules related to duties, obligations and privileges were included in that chapter.

10. Chapter II, on classification of posts and staff, has been introduced, as there was no chapter in the former Staff Rules that corresponded to article II of the Staff Regulations.

11. Chapter III, on salaries and related allowances, reflects the harmonization of conditions of service resulting from contractual reform, and in particular the new compensation package for staff on temporary appointments, who will receive reduced benefits and entitlements in comparison with staff on fixed-term and continuing appointments, as approved by the General Assembly in section II, paragraph 8, of its resolution 63/250. In particular, staff on temporary appointment will not receive annual within-grade increments, language allowance, education grant, mobility allowance, non-removal element of the mobility and hardship allowance, repatriation grant or special post allowance.

12. Chapter IV, on appointment and promotion, reflects the implementation of the new contractual framework. However, pursuant to section II, paragraph 3, of resolution 63/250, in which the Secretary-General was requested not to grant any staff a continuing appointment pending further consideration by the General Assembly of the issue, the language of provisional staff rule 4.14 on continuing appointments indicates that consideration of the criteria and conditions for the granting of such appointments is subject to the Assembly's further consideration of the issue.

13. In section II, paragraph 9, of its resolution 63/250, the General Assembly requested the Secretary-General to provide information on the circumstances in which the renewal of a temporary appointment for up to one additional year could be granted. Pursuant to provisional staff rule 4.12 (b), a temporary appointment may be extended for up to one year when warranted by surge requirements and operational needs related to field operations and special projects with finite mandates under circumstances and conditions established by the Secretary-General. Operational needs related to field operations would encompass service in the field and operational needs at headquarters duty stations that are truly field-related, such as those linked to emergency, post-conflict and humanitarian activities. Special projects with finite mandates would encompass activities at any duty station that, on the basis of past experience or current plans, are known to be unrelated to the regular and programmed mandates of the office concerned. Such activities would clearly be of limited duration owing to the finite mandate or temporary nature of the activity or limited funding availability. They may result from the design and start-up of a new system for implementing a business procedure or from the delivery of services in a new area of knowledge or procedures that would be subsequently taken over by continuing staff. The period of extension of an activity with a clearly finite mandate may involve, for instance, the completion of the start-up, design or redesign of a special project.

14. The General Assembly will have before it a separate report of the Secretary-General on the contractual arrangements and the harmonization of conditions of service, which will include a section on continuing appointments.

15. Chapters V and VI, on annual and special leave and on social security, respectively, reflect reduced annual leave and sick leave entitlements for staff on temporary appointments and differentiates those entitlements from those of staff on fixed-term and continuing appointments, in accordance with section II, paragraph 8, of General Assembly resolution 63/250.

16. Chapter VII, on travel and removal expenses, was reorganized to make the structure more logical and user-friendly. The travel terminology was harmonized throughout the chapter and the language was simplified where possible for the purpose of clarity. The chapter also reflects reduced entitlements and benefits for staff on temporary appointments compared with staff on fixed-term and continuing appointments in accordance with section II, paragraph 8, of General Assembly resolution 63/250. Notably, staff on temporary appointments will receive only the daily subsistence allowance portion of the assignment grant and only for themselves. Family members of staff on temporary appointment will not be installed at the expense of the Organization, and temporary staff will receive only limited shipment upon assignment, transfer and separation.

17. Chapter VIII, on staff relations, was updated to make reference under staff rule 8.1 (b) to duty stations in general rather than specific duty stations and to ensure that staff members exercising their functions are protected from retaliation under the chapter (rule 8.1 (e)).

18. Chapter IX, on separation from service, was reorganized in a more logical sequence and aligned to article IX of the amended Staff Regulations, as approved by the General Assembly in its resolution 63/271. The new ground for termination "in the interest of the good administration of the Organization" for staff members holding continuing appointments, to apply also when the staff member is not in agreement, is in accordance with section II, paragraph 22, of resolution 63/250 and is consistent with the approved text of the amended Staff Regulations.

19. Chapters X and XI, on disciplinary measures and appeals, respectively, were prepared in accordance with the decisions of the General Assembly in its resolution 63/253 on the implementation of the new system of administration of justice in the United Nations.

20. Chapter XII, on general provisions, contains former staff rule 100.1, which was previously in the introductory chapter of the 100 series of the Staff Rules and is now covered under provisional staff rule 12.1.

21. Chapter XIII, on transitional measures, was introduced to include transitional measures for staff members upon the implementation of the new contractual framework. Those measures also reflect the protection of acquired rights for serving staff members under the former 100, 200 and 300 series of the Staff Rules, in particular for those staff holding probationary, permanent or indefinite appointments.

IV. Actions to be taken by the General Assembly

22. The General Assembly may wish:

(a) To take note of the new provisional Staff Rules set out in document ST/SGB/2010/6;

(b) To request the Secretary-General to amend staff rule 4.14 on the basis of its consideration of the report of the Secretary-General on continuing appointments at its sixty-fifth session;

(c) To reconsider the requirement that internationally recruited staff members renounce permanent resident status (see A/64/230, sect. VI) and, if it agrees to remove this requirement, to decide to delete staff rule 1.5 (c).